HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5809/2006

Petitioner		Ramesh Kumar Tiwari s/o Ganesh Prasad Tiwari, aged about 46 years, Assistant Teacher, Janpad Primary School, Pendri, Block Development Masturi, Tahsil Masturi, District Bilaspur, Chhattisgarh.
		Versus
RESPONDENTS	1	State of Chhattisgarh, Through: The Secretary, School Education Department Ministry, DKS Bhawan, Raipur (CG)
	2.	Director of School Education Office, DKS Bhawan, Raipur (CG)
	3.	The District Education Officer, Bilaspur, Through Block Development Education Officer, Masturi, District Bilaspur, Chhattisgarh.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Amit Kumar Sharma, counsel for the petitioner.

Shri Yashwant Singh, G.A. for the State on advance copy.

ORAL ORDER
(27.8.2007)

Sunil Kumar Sinha, J.

Heard on admission.

Learned counsel for the petitioner submits that the petitioner has passed B.Ed. examination on his own expenses, therefore, he is entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96)***. He submits that the case of the petitioner is squarely covered by the said judgment.

(33)

This legal position is not disputed by learned counsel for the State. However, she submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioner's such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another(supra)* subject to verification of the facts as to whether the petitioner had acquired B.Ed. Examination Certificate on his own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether he has been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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